IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 53 of 2003

NAGAR PALIKA & ANR.
V/S
BHEEM SINGH

Mr. CP TRIVEDI, for the appellant / petitioner

Mr. VIJAY KUMAR VYAS, for the respondent

Date of Order : 8.4.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties, and perused the impugned Judgments.

The learned Lower Appellate Court has found, relying on the evidence of defendant-appellant himself, that the information was placed on the notice board of the appellant about allotment of the plots in the lotary on 1.1.87. It has also been found that, thereafter whatever plots were cancelled, information thereof, was published in the local news paper, which did not include the information about cancellation of allotment of present respondents. Learned counsel for the appellant admitted that no positive order was passed by the appellant, cancelling the allotment of the respondent, and sought to contend only that, since the respondent had applied for being plot allotted in Jai Narayan Vyas Colony, while his application was included in Indira Colony, to which, he was not entitled. In my view, this aspect has also been rightly considered by the learned lower appellate court. That apart, admittedly when allotment has not been cancelled so far, I do not find any sufficient ground to interfere with the impugned order, as the appeal does not involve any substantial question of law.

The appeal is, therefore, dismissed summarily.

(N P GUPTA),J.

/Srawat/